

MS. HARRIS: Opposed.

(Show of hands.)

MR. COOPER: Five.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Two.

MS. HARRIS: The motion carries.

We have one other amendment. Delegate Schrag, do you want to move your amendment.

MR. KAMENY: Point of clarification.

MS. HARRIS: Yes, point of clarification.

MR. KAMENY: The committee seems to feel and we would like to do this in an orderly fashion if it's possible, in the last amendment instead of saying "by law" it would be desirable to say "by the State Board of Education" and if you could process this in a proper way, the committee would be very grateful.

MS. HARRIS: It takes an amendment, I would imagine, unless we have a full consensus of the body. That's what he refers to. Okay, by the State Board of Education. Very good.

MR. KAMENY: Thank you.

MS. HARRIS: Delegate Schrag, do you want to move your

amendment please?

MR. SCHRAG: Madame President, I have an amendment that I have had a chance to discuss with the few members of the committee who are willing to accept but I have not had a chance to discuss with all the members of the committee without disturbing this body.

The amendment is on line 10, to delete the word "uniform" and instead after the word "standards" insert the words "established by law", so that it would read "Education, to standards established by law shall be" and so forth.

MS. HARRIS: Is there a second to that motion?

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and seconded. The amendment is on line 10, delete the word "uniform"; after the word "standards" insert "established by law". It has been properly seconded.

Delegate Schrag.

MR. SCHRAG: Let me explain my amendment. The word "uniform" here could be read, since this section and compulsory education applies to all schools -- public, private and parochial -- the word "uniform" could be read to mean that all these schools have to be exactly alike, that they all have to have exactly the same education in them.

Well, the whole point of alternative education systems, private, parochial educational school systems, is that they should all meet minimum standards but that there are some variations allowed beyond those minimum standards and to take out the word "uniform" and put in "established by law" leaves the legislature some leeway to establish minimum standards that all schools will have to meet but to permit variations in what the educational programs of the public, private and parochial school systems will look like.

MS. HARRIS: Delegate Feely, you wanted to speak to that?

MS. FEELY: Yes. I am opposed to making the change to add the clause "established by law". I would be opposed because I don't think that we want the Legislature to have so much to say. We want the State Board of Education to make the determination of what should be said and done with regard to education. Now maybe if you want to say something about standards as established by the State Board of Education.

MR. SCHRAG: I would accept that.

MS. HARRIS: You are saying it should be "established by the State Board of Education"?

MS. FEELY: Yes.

MS. HARRIS: Is there any other discussion?

May I have a call for the question?

MS. KAMENY: No, I want to say something. I'm concerned that by simply saying "education to standards established by the State Board of Education" or by anybody or otherwise, this is going to permit the establishment of different standards, even minimal standards, because it doesn't say anything about minimal standards, different standards for different kinds of schools, including perhaps no standards for private schools if the private schools lobby the State Board of Education sufficiently and effectively. This language permits that.

And at the very least, there should be "to standards established by the State Board of Education for all schools in the state".

MS. HARRIS: Delegate Love.

MR. LOVE: If I read Delegate Schrag's amendment correctly, the Board of Education could set up standards for schools on one side of Rock Creek Park and make them different for standards of schools on the other side of Rock Creek Park. This is a very clear intention that the schools across the city will meet the same uniform standards and it was written in there with that language very clearly because, as you recall, in the District we had schools in different areas

of the city getting different standards of education. Again, I would urge this committee, I would urge the delegates to vote against this. It is the intent of the committee that education will be uniform across the city, no matter where you live. Thank you.

MS. HARRIS: Is there anyone who would like to speak for the Schrag amendment.

Delegate Eichhorn.

MS. EICHHORN: I would like to support this amendment because I think it builds in an opportunity for flexibility. We talked earlier about making education compulsory through the age of 18, which I support. It may be that for young people between 16 and 18 we do not want to impose the same English standards or the same mathematics standards. We may want to propose a training program. We may want to have that kind of flexibility in the system. And if we entrust the State Board of Education to look at the needs of the students and to establish standards which are uniform that have some flexibility, we are certain a special population. They are elected officials and they are responsible to the public and I think that that should be -- that kind of flexibility should be allowed.

MS. HARRIS: Delegate Graham.

MS. GRAHAM: Madame Chair, I speak for this motion because I think it deals with individuality of people and students. And I think if we have this -- we have some basics that would be established by the State Board of Education and it means that schools can vary according to its population's needs, but there are certain things they have, as in our city today, we have -- the Board of Education has required that we do CDC and SPP and SPP means student progress plan. They are basic objectives that each child is expected to meet.

Some of them may meet all of them, but they must meet at least 70 percent of them before they move on. Everybody knows that who works in the D.C. schools and they know there are certain objectives they must meet in certain grades. These are basic standards.

But now schools may do various things and you might go in one building and see needs are met in one way and go in another building and find them in another way. And I think this allows for this kind of diversity that we find within schools.

MS. HARRIS: May I entertain a motion to cut off debate?

MR. CROFT: I so move.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and has been properly seconded that we cut off debate. All in favor, signify by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: So carried. The motion before us is the Schrag motion which states to delete "uniform", insert after "standards" the phrase "established by the State Board of Education". All in favor of the Schrag motion, please raise your hands.

(Show of hands.)

MR. COOPER: Fifteen.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Thirteen.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Three.

MS. HARRIS: The motion carries.

On line 10, the vote was 15, 13, 3; on line 10 delete the word "uniform"; after "standards" insert the word "established by the State Board of Education".

Delegate Lockridge, we have all the amendments. Would you want to move 2A?

MS. LOCKRIDGE: I would like to move, Madame Chair, adoption of Section 2A, as amended.

(Whereupon, the motion was seconded.)

MS. HARRIS: Okay, it has been moved and seconded that we adopt 2A.

We have gone through four amendments that have been submitted on 2A and for discussion.

MR. GARNER: Madame Chair.

MS. HARRIS: What is your point of order?

MR. GARNER: I wish to discuss or points clarified about this section. I do not have the amendment and I do not believe we have had a chance to discuss Section 2A. There has been no discussion on that section.

MS. HARRIS: Delegate Garner, we have been discussing 2A through four amendments and discussions therein. And I think that's full discussion. 2A has been moved and seconded and we will now move to adopt 2A with the proper amendments.

All in favor of 2A -- I have recognized you and I have answered you to the best of my ability.

MR. GARNER: Madame Chair, would it not be inappropriate if I were to discuss Sections of 2A that were not

subject to amendment? Would it not have been appropriate to discuss those at that time? It is only appropriate to discuss those sections when the floor article is on the floor. I believe this is the time to do that.

I just want it clarified --

MS. HARRIS: You have not been recognized.

(Simultaneous discussion.)

MS. HARRIS: We will recognize you in order to discuss this one point. It has been moved and seconded and the call for the question has been completed. So you will discuss your point and we will move on to vote.

MR. GARNER: Thank you, Madame Chair.

My only concern is that nowhere in the report is the committee clear -- it's clear to all of them but it may not be clear when this constitution goes into effect. Could they make it clear what primary and secondary education is? Does that include kindergarten and pre-school; since the committee is providing for the establishment of a free system of school, I think it is important they make it clear specifically what primary and secondary schools are.

I would be greatly appreciative if the committee would do that.

MS. HARRIS: I think they can answer that in three

words or less. Delegate Simmons, Delegate Lockridge, do you want to answer that?

MS. LOCKRIDGE: Unless I'm wrong -- and correct me if I am -- kindergarten, number one, is not compulsory anymore, anyway I think across this nation. It's a luxury that is afforded if the State Board of Education has the monies to appropriate such. So when we are talking about primary, we are talking about Grades 1 through 6 unless the State Board of Education specifies otherwise.

MR. GARNER: Thank you.

MS. LOCKRIDGE: You're welcome.

MS. HARRIS: Before us now is a vote to adopt 2A with amendments. All in favor of adopting 2A, please raise your hands.

(Show of hands.)

MS. HARRIS: We are adopting 2A.

MR. COOPER: Twenty-two.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: One.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: One.

MS. HARRIS: 2A has been adopted with amendments.
Delegate Lockridge, would you please move 2B.

MS. LOCKRIDGE: Madame Chair, I would like to move
the adoption of Section 2B.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded
to adopt 2B. Discussion from the floor.

(No response.)

MS. HARRIS: If there is no discussion, does anybody
want to move -- Delegate Cassell.

MR. CASSELL: Madame Chairman, maybe we can hear
from general counsel. I suppose everybody has seen a copy.

May we hear from him? He has some things that he
thinks we need to hear before we vote on this.

MS. HARRIS: Mr. Counsel.

COUNSEL THOMAS: It is suggested that the word in line 2
"substantially" be inserted after the word "equal" so that
it will be consistent with the --

MS. HARRIS: The word what?

COUNSEL THOMAS: The word "substantially", be inserted
after the word "of" and before "equal" so as to be consistent
with the sections on apportionment. And since it is necessarily
implied that the districts will be nearly or substantially
equal in population.

MS. HARRIS: Delegate Lockridge.

MS. LOCKRIDGE: We have no problem with having that, Madame Chair.

MS. HARRIS: Do you want to accept it by consensus or do you want to move it?

MS. LOCKRIDGE: If we could accept it by consensus, it would be greatly appreciated.

MS. HARRIS: Okay. Is that in order? Thank you.
Delegate Jordan.

MR. JORDAN: Well, I just have a problem, Madame Chair, in the sense that "substantially" may state one criteria to be used, but what we have used in apportionment is 3 percent of the average population of all districts at variance of 3 percent. And I would like to know why we can't use the exact same language we have used in the apportionment standards?

That the districts be -- have a population which varies no more than 3 percent from the average population of all districts.

COUNSEL THOMAS: My concern is making it consistent with the section on apportionment and if that makes it consistent, then all right.

MR. JORDAN: I'm saying that substantially is not clearly defined. I'm saying we have some language which is more

direct, which is more explicit which says that, let's just say -- well, it says each district shall have a population which varies no more than 3 percent for the average population of all districts. And I would substitute --

MS. HARRIS: You would substitute what, Delegate Jordan?

MR. JORDAN: No. I'm saying that if the committee can agree with that, then --

MS. LOCKRIDGE: Now where did you place that, Delegate Jordan?

MR. JORDAN: It can say "difference of equal population" and insert "which varies by no more than 3 percent of the average population of all districts."

MS. LOCKRIDGE: Are you making that motion, Delegate Jordan?

MR. JORDAN: Well, I thought the committee could accept that by consensus.

Madame Chair, I would like to move that after the word "population" we insert -- okay, after "districts", we insert -- we strike the phrase "of equal population" and we insert in lieu thereof "varying by no more than 3 percent from the average population of all districts".

MS. HARRIS: Would you please read again what you are

inserting?

MR. JORDAN: "Varying by no more than 3 percent from the average population of all districts".

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded by Delegate Jordan that after the word "districts" on line 20 we delete "of equal population" and in its place put "varying by no more than 3 percent from the average population of all districts".

Discussion on the motion please. Delegate Charles Mason.

MR. CHARLES MASON: This amendment is harmless but unnecessary because in the apportionment article, this provision is already there applying to all kinds of districts, including these districts. So, as I say, there is no harm in repeating it but I don't think it's necessary.

MS. HARRIS: Delegate Lockridge.

MS. LOCKRIDGE: I would like to move the previous question.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and seconded that we cut off debate. All in favor, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: The motion before us by Delegate Jordan is that on line 20 we delete after "districts of equal population" and insert in its place "varying by no more than 3 percent from the average population of all districts." All in favor of inserting that phrase, please raise your hands.

(Show of hands.)

MR. COOPER: Nineteen.

MS. HARRIS: All those opposed.

(Show of hands.)

MS. HARRIS: Those opposed.

(No response.)

MS. HARRIS: Abstentions.

(Show of hands.)

MS. HARRIS: The motion carries; 19,0,2. Delegate Lockridge, do you want to move --

MS. LOCKRIDGE: Yes, Madame Chair, and might I please ask if you could possibly have one vote. It would take less time.

MS. HARRIS: Delegate Nixon.

MR. NIXON: Madame Chair, I move to delete the word

"enfranchise" in line 20 and add the word "voting".

MS. LOCKRIDGE: That's what it means. But you want us to be specific so that everybody will understand.

MR. NIXON: No problem; no problem.

MS. HARRIS: Delegate Lockridge, I think that we can solve this without going through a vote and that is we can put a footnote if Style and Drafting will to have --

MS. LOCKRIDGE: Since he is a member of the committee and he is the one who testified so eloquently for this, I would like to put his language in please, if you don't mind.

(Whereupon, the motion was seconded.)

MS. HARRIS: Okay. It has been moved and properly seconded that we strike on line 20 the word "enfranchise" and in its place put "voting".

Is there any discussion on it?

(No response.)

MS. HARRIS: All in favor of that motion, please let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: Carried.

Delegate Lockridge.

MS. LOCKRIDGE: Madame Chair, I would like to move for the adoption of Section 2B, as amended.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded we adopt 2B as amended. All in favor, let it be known by saying aye. I'll say it again: All in favor of adopting 2B, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: So carried.

MS. LOCKRIDGE: Madame Chair, I would like to move for the adoption of Section 2C.

(Whereupon, the motion was seconded.)

MS. HARRIS: 2C has been moved to be adopted. Discussion on 2C.

Delegate Feely.

MS. FEELY: I move the previous question.

(Whereupon, the motion was seconded.)

MS. HARRIS: The previous question has been moved and seconded. All in favor of 2C, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: Abstentions.

(No response.)

MS. HARRIS: So carried. 2D, Delegate Lockridge.

MS. LOCKRIDGE: Madame Chair, I would like to move the adoption of Section 2D.

(Whereupon, the motion was seconded.)

MS. HARRIS: 2D has been moved and seconded. I have no amendment on the table here for 2D.

Is there any discussion on 2D. Delegate Bruning.

MR. BRUNING: My concern is very simply that as I read this there is a lot of money undefined as to its use. It would be allocated by the Legislature to the State Board of Education. There seems to be a lump sum unidentified, is that correct?

MS. LOCKRIDGE: Yes, you are correct. We are saying that the legislature will appropriate a total sum, but the legislature will not tell the State Board of Education how that money is to be allocated for education.

MS. HARRIS: Delegate Simmons.

MS. SIMMONS: I only want to share that the body responsible for the quality of education has developed a program

or to determine how funds will be spent to achieve that. Otherwise, you would have an impossible situation of one group to carry the burden of responsibility and responsibility for the education of another group who can determine if by line item the guarantee of that program.

MR. BRUNING: The question is it is the practice which is in practice now?

MS. SIMMONS: Yes.

MS. HARRIS: Delegate Charles Mason.

MR. CHARLES MASON: I merely wanted to call attention to the fact -- a transfer of the Mayor to appropriate the total amount to the Board of Education, and the Board of Education decides how to spend it. It doesn't mean that when they submit their budget request, they don't say their intention at that time as to how to spend it.

MS. HARRIS: The previous question has been moved.

MR. ROBINSON: Point of order.

MS. HARRIS: Point of order, Delegate Robinson.

MR. ROBINSON: Madame Chair, I'm concerned that we are not getting full discussion of the articles and that the established principle of two for and two against are not being adhered to at the start.

MS. HARRIS: Delegate Robinson, it is being adhered

to. If there are no hands on the floor when I call for questions, it is in order to put a motion to close debate and to vote.

Delegate Johnson.

MS. JOHNSON: Could I ask the Committee Chair if you could or would explain the incongruity that is spoken to in the comments from our general counsel? Do you have that? It's at the bottom of page 2 and it goes on to the top of page 3.

MS. HARRIS: There is too much noise in here.

MS. JOHNSON: There appears to be some incongruity between the section in the section on school budget and the article on tax and finance. And it goes on to explain that.

MS. HARRIS: Does anyone on the committee wish to speak to that?

MS. FREEMAN: The two committees met and the provision of finance and tax article calls for the submission of full explanation for the operating budget and full explanation for the capital improvements budget, but this does not in any way in the tax article mean that the Governor has a veto over that section. So it is completely compatible; in fact, to ascertain an advance, it would be compatible.

So that the finance and tax article asks for

justification of the monies in a lump sum and once it's granted to the Board of Education, the Board of Education spends it as it chooses.

MS. FEELY: I move the previous question, Madame Chair.

(Whereupon, the motion was seconded.)

MS. HARRIS: The previous question has been called.

All in favor of 2D, please let it be known by saying aye.

(A chorus of "ayes")

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: Carried.

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2E.

(Whereupon, the motion was seconded.)

MS. HARRIS: Section 2E has been properly moved.

Discussion on 2E. Discussion on 2E. Discussion on 2E. It has been called for three times.

Delegate Robinson.

MR. ROBINSON: My concern, Madame Chair, is should this Section be here? I am concerned that this section borders on legislation and that maybe this section should be left to the providence of the legislature and that we should strike this entire section E from this article.

MS. HARRIS: Would somebody like to speak to this.

MS. FEELY: We felt that it was necessary for 2E to be written. We had a full day of hearings and present at the hearing was Delegate Hilda Mason. She spoke to the need for the State Board of Education to be able to take title to property. We accepted the language that she drafted; other Board members with whom we spoke felt that this was necessary.

Now for those people who have a question about 2F, so that's why we had it. Delegate Simmons would like to speak further on this matter.

MS. SIMMONS: I really believe that our state should not compete with the real estate agency. And I think for the State Board of Education to have property so that they can guarantee buildings and places for our youngsters to study and to learn is absolutely paramount. And for this to have to compete on the open market for space is indeed in the hands of those who have the vested interest or have the power and have the money. Children don't have it and usually the advocates for children don't have it.

A system that has been through as much as this one with regard to the closing of schools, to having a bulldozer beside a school before it's even released ought to tell us that we can ill afford not to provide for our present future

generations, certainly in a constitution.

If you had said to delete F, I could understand your feeling that we don't have those powers and may have individually and we had earlier even commented on that. The property or education are to be determined by the Board of Education and other kinds of vested interest groups with more power, more money should not be having markets in a competitive position. I would beg of you that you not delete Section E and that, in fact you also find the consistency of supporting F, because this is a new day in terms of support in education as the singularly most significant institution affecting upon our young people.

MS. HARRIS: Delegate Robinson, you did not put a motion on the floor.

MR. ROBINSON: I put a motion on the floor. It was seconded, yes, ma'am.

MS. EICHHORN: May I ask a point of information, Madame Chair?

MS. HARRIS: Yes.

MS. EICHHORN: I would like to know if this language shall be deemed to be titled in the name of the State Board of Education would be that the Presidential Building would become titled in the name of the State Board of Education?

As I read this, it appears to me that that building will be deemed to be titled in the name of the Board of Education. Maybe legal counsel --

MS. SIMMONS: The facts are that the Board -- that administrative offices presently reside in the Presidential Building, are occupants who pay some \$900,000 in rent.

MS. EICHHORN: I know that and I know you plan to move. I'm just saying that this would prohibit renting. If it says -- I think the way it is worded it's not --

MS. SIMMONS: We are talking about a constitution which shall prevail.

MS. EICHHORN: Well, I'm concerned about its affecting education.

MS. HARRIS: Also I would like to call to your attention page 3 of legal counsel's discussion on 2E and F. Delegate Love.

MR. LOVE: Delegate Eichhorn, if you would like to replace the phrase "titled in the District of Columbia" by "owned by the District of Columbia", they mean the same thing. That is what titled in the District of Columbia means. It's owned by the District of Columbia. So unless the District of Columbia owns the Presidential building, which they do not I think, then it is not -- it is a legal phrase that means owned

by the District Government.

(Simultaneous discussion.)

MR. LOVE: It has to be owned by the District, one, and two, it has to be used by the Board of Education.

MS. HARRIS: Okay, thank you. Delegate Coates.

MR. COATES: My question has to do with lines 16 and 17. What does the Board of Education mean as contrasted with or compared with the State Board of Education? Are we under Section E providing for properties being titled to one or two entities or does that mean the State Board of Education?

If it does, then we ought to strike, should we not, the Board of Education of the District of Columbia in line 16.

MR. KAMENY: That was intended as a traditional type language to deal with property which may presently be titled. This constitution is, unless we are fortunate, is not going in effect in July or August and there may well be some which have moved over in that sense in the many years until we may very well intervene until --

MR. COATES: It seems to me, Madame President, that the intent of the committee is to have buildings now utilized by the Board of Education of the District of Columbia, subsequently titled to the State Board of Education.

MR. KAMENY: To provide continuity.

MR. LOVE: Yes, you are right.

MS. HARRIS: Is there anyone who would like to speak for the motion other than the maker? Well, the maker may speak last.

MR. ROBINSON: Madame President, I am very concerned, as I said previously, that this body is not following its mandate and that is to outline the structures of government. This body is placing the Board of Education squarely in the property business and, of course, that detracts from the stated goal of the Board of Education, that being the education of our children. And I ask again that this entire section be deleted from this article. And furthermore, I would like to inform the group, even if I fail, that I will move for the deletion of Section F from this article.

MS. HARRIS: We have had proper discussion for and against by the delegates and the members of the committee. I would like to --

MS. FREEMAN: Point of order. I'm confused. Which section are we on?

MS. HARRIS: Section E.

MS. FREEMAN: And there is a motion to delete Section F?

MS. HARRIS: No. There is a motion to delete Section E. All in favor of deleting Section 2E, please raise your hand.

(Show of hands.)

MR. COOPER: One.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Nineteen.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Four.

MS. HARRIS: The motion loses. Back to the original Article 2E, Delegate Lockridge.

Delegate Eichhorn, yes.

MS. EICHHORN: I would like to propose an amendment that in line 14 any property titled in the name of the District of Columbia and strike "in" at the end of that line, so that it would read "any property titled in the name of the District of Columbia or the State of blank".

(Whereupon, the motion was seconded.)

MS. LOCKRIDGE: No problem; we accept that.

MS. HARRIS: That is accepted. Delegate Lockridge, do you want to move 2E?

MS. LOCKRIDGE: I have.

MS. HARRIS: All in favor of adopting 2E, please signify by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

MR. ROBINSON: Nay.

MS. HARRIS: 2E is carried; 2F please.

MS. LOCKRIDGE: I would like to move, Madame Chair, the adoption of 2F.

(Whereupon, the motion was seconded.)

MS. HARRIS: 2F has been properly moved. Discussion of 2F. There is an amendment for 2F. Delegate Charles Mason.

MR. CHARLES MASON: I move to amend 2F, on line 21 strike the word "sale" at the end of the line; in line 22 after the word "lands" toward the end of the line insert "but may sell such lands only". I will read the whole thing the way it will read with my amendment. "The State Board of Education shall control the lease and rental of its buildings and lands but may sell such lands only with the advice and consent of the legislature".

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded by Delegate Mason that in Section 2F we delete the word "sale" on line 21; on line 22 after the word "lands", we insert "but may sell such lands only".

Discussion. Delegate Jordan.

Did the maker want to speak to that?

MR. CHARLES MASON: Yes.

MS. HARRIS: And then Delegate Jordan.

MR. CHARLES MASON: In the preceding paragraph, E, we have said that land and buildings will be titled in -- deemed titled in the Board of Education. One of the things that goes along with holding titles is that whoever holds the title -- in this case the Board of Education -- has the power to lease it. And it would seem to me incongruous for the Board to have to go to the legislature any time it wants to lease a room, a wing of a building, a whole building to some other organization and it is totally inconsistent to holding title to have to get somebody else's permission to lease it.

However, I can see the logic when it is to be sold that the Board should go to the Legislature because the Legislature might say "Well, rather than selling it, we would like to have you transferred to another state agency; we would have some use for it." But as far as leasing is concerned, it's irrational, it seems to me, to have a body that holds title to it has to get permission from some other body.

MS. HARRIS: Delegate Jordan.

MR. JORDAN: Yes. I just wanted to ask Delegate Mason would his language prohibit the selling of the building?

MR. CHARLES MASON: You cannot sell a building separate from selling the land. If you sell the land, it's included with any buildings that are on it.

MS. HARRIS: Delegate Jackson.

MR. JACKSON: I don't have any problem with the amendment to this. And I would say this: "The State Board of Education shall control the lease and rental of its buildings and lands. State-owned buildings and lands may never be sold."

And then I will speak on it.

(Whereupon, the motion was seconded.)

MR. JACKSON: Ms. Simmons gave us a very good example of the state should not enter into real estate transactions of trying to outsell the realtors and I agree, but I also agree that the State Board of Education should not be in the position of trying to outsell the realtors or the city itself. Why in the devil would the city or the state want to sell its school buildings or its land? We have a section on the eminent domain that says the state can take, but now we become like God -- the state may take and the state may giveth. Blessed be those who sell the land of the state. And I don't know why in the devil we would want school board property to be sold. But then the legislature should have the power -- but the public property should not be sold to developers who come in here and

the next thing we know, Madame Chair, is that this city will be sold down the drain to developers. Why do we want to sell the property of the state?

MS. HARRIS: Delegate Eichhorn, do you want to speak to that?

MS. EICHHORN: No, I want to speak to the maker of the motion when you get back to me.

MS. HARRIS: Delegate Love.

MR. LOVE: Fellow delegates, I would like to urge you to vote against both of these amendments and I will explain to you why. I live around the corner from Adams School. It's a school that's right on the back of the Hilton Hotel. The Hilton Hotel wants that school. The Hilton Hotel does not have to buy that school. They could lease it for 99 years from the School Board and then put a ten-story addition on the hotel.

Both of these amendments will allow the School Board to lease buildings, to lease lands, to whatever use they desire because, as of now, no school land is zoned, period, which means that you can do anything on that land you want to unless the laws are changed.

Under both of these amendments the school could be pressured by a place like the Hilton into allowing it to either

sell that land to the Hilton or lease the land. It doesn't need to sell it; the Hilton would take it on a 99-year lease or rent the land for 99 years.

It is very clear what we are trying to do here is to say that the school has control of the land but they cannot do anything serious with the land without going to the legislature. It's checks and balances. It's the way we have decided would be best, given our urban setting, to make sure that neither the legislature nor the school disposes of the land in some self-serving manner. I think our proposal is very balanced. I think either one of these amendments would cause a great deal of harm unless they are changed somewhat and I would urge you to vote against both of them and to support our original wording. Thank you.

MS. HARRIS: Delegate Nihikian.

MS. NIHIKIAN: I would just like to urge that the delegates not support Delegate Jackson's motion. I understand and am very sensitive to the broad brush kind of rationale for the motion of not wanting the state to sell off land to developers for profit. The problem is is there are some occasions -- and the best example I can point to when selling off of school buildings produces positive things for the community. A good example is the old Shaw school site which was

sold to the Ashbury Methodist Church which has developed elderly housing on that site, adapting the reuse of that building. It required transfer from one corporate entity to the other which is defined as sale.

I think that by having a balance that the committee recommended is a good way to go because there may be a number of options that the city or the new state would like to take a look at in terms of what we do with school property that becomes obsolete or unnecessary.

MS. HARRIS: Is there anyone who would like to speak for the motion -- I mean for the Jackson motion? Delegate Simmons.

MS. SIMMONS: Because one can lease and rent is all the more reason why we do not need to sell. And the argument that Delegate Love gave about the Washington hotel, I want you to know that is no fictitious example. They want to buy that and had offered to buy it from the Mayor before it was even on the market. That example shows is how there are real estate developers out there after property of schools. And I just do not understand that.

The whole argument that there is no zoning on school property -- when that use changes, and while the building and school is not zoned, the property, when its purpose is

altered, does come under zoning requirements.

So I don't think that it's possible for us to -- a community by an insensitive school board leasing property to an inappropriate body who engage in the violation of the integrity of a community. And I think that the appointment of those persons and how seriously they assume their responsibilities will determine in this instance whether or not the best of the public could and will be served. And I don't think that --

MS. HARRIS: Delegate Kameny.

MR. KAMENY: I would like to speak against the Jackson amendment. While I understand his reasons for making it, I think in long-range terms, in terms of exactly what Delegate Jackson said -- he pointed out that we have eminent domain which permits the state to acquire property; he wants to prevent the sale of this property, which means 100 years from now, 150 years from now, less than that, when perhaps the whole face of the state has changed, the state will be encumbered with countless parcels of property that it can't get rid of by this provision.

It provides a one-way road for the acquisition of property but not for getting rid of it, and I think it creates an absolutely impossible situation from a long-range viewpoint.

MS. HARRIS: Can I have a motion to move the previous question please?

MR. KAMENY: I move the previous question.

(Whereupon, the motion was seconded.)

MS. HARRIS: The previous question has been moved. All in favor of cutting off debate, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(A chorus of "nays".)

MS. HARRIS: So carried. We are now with the Jackson substitute motion. The Jackson amendment is "The state shall own buildings and lands but may never be able to sell."

MR. JACKSON: Land owned by the State Board of Education may never be sold, period.

MS. HARRIS: "Buildings and lands owned by the State Board of Education may never be sold."

All in favor of that motion, please raise your hand.

(Show of hands.)

MR. COOPER: Eight.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Seventeen.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Four.

MS. HARRIS: The motion loses, 17,8,4.

Back to the Mason amendment. The Mason amendment is on line 22 -- on line 21, delete the word "sale" and on line 22 after the word "lands", insert "but may sell such lands only". All in favor of that -- Delegate Eichhorn.

MS. EICHHORN: The Executive Branch of the District Government has been moving to remove itself from expensive rental buildings and to occupy school buildings that are no longer used for education. And recently there were negotiations through the budget process whereby the Board of Education budget was increased in exchange for three school buildings.

Now we have the Executive Branch on one hand and the Board of Education on the other. And it seems to me that the Legislature may be the neutral party in between to deal with a proposal to sell the schools as opposed to making them available to the Executive Branch. And that is my question. If the school system decides that it wants to increase its budget funds by selling the building and could do that without the advice and consent of the legislature, what does that do to negotiations for the lease of the purchase by the Executive

Branch of those same buildings?

MS. HARRIS: Delegate Mason.

MR. CHARLES MASON: The speaker apparently isn't very clear what the motion is. It would require approval of the legislature for the sale. If the Board of Education decided to sell the building, they would have to go to the legislature. They would not have to go to the legislature for the lease. Many leases have a short term. The leases quite likely would be to the Executive Branch agency.

MS. EICHORN: Whatever the education board controls, it could lease to other entities as opposed to the Executive Branch without the legislature playing any role in it?

MR. CHARLES MASON: They could lease to any agency they thought would be to the advantage of the school system, to the advantage of the students, to the advantage of the community and so on. The experience has shown that they have always been very willing to lease to other District agencies and I'm sure they will continue to be. It simply says that they would hold title to the buildings; they would decide to whom to lease. They decide whether to lease and to whom and for what consideration. If they can get a better tenant from one source or another, then they are free to do that. But they not be able to sell it without going to the legislature to get

consent. That is what my amendment offers. I think it's reasonable. I do not think it's consistent with holding title to the buildings to say you have to get somebody else's permission to lease.

MS. HARRIS: Delegate Love.

MR. LOVE: Again the committee debated this for a long-long time. According to Mr. Mason's amendment, the School Board could lease for 99 years, Adams School to the Hilton Hotel to build an addition on. Now what would happen is if the Government decided, the Legislature decided that that was not a good thing, they would say look at the money you are getting from the Hilton. We are going to cut your budget back, and pretty soon you are going to get into all sorts of fights about what the School Board is doing with the building.

The School Board is eight members; the Legislature is 40 members. Those eight members would be very easy to influence by big developers. And you could lease a building forever. You could lease land forever. They could lease a piece of land forever. Forget selling it; it would become irrelevant.

What this does is to say that the Legislature and the Board have to agree on the usage of those lands, that they are not being used for educational purposes. I think it offers

the kind of balance we need to make sure that neither body controls what goes on. The education doesn't use a building for terrible non-educational things without permission of Legislature. The Legislature doesn't use the building for some sort of non-educational purpose without getting permission of the School Board. It will force them to negotiate; it will force them to agree.

I would urge you to vote against the Mason amendment because I know that the School Board is probably going to get a lot of money from the Hilton Hotel leasing that land on the Adams School. And I just would like to see both the Board and the Legislature agree that it's for the common good of the city. Thank you.

MS. HARRIS: Thank you. Delegate Coates.

MR. COATES: I speak against the Mason amendment. I think that if it is to be a title held by the State Board of Education, it ought to be a title that they hold with integrity. I do not think that that should be delimited by the action of the Legislature, so that I would hope we would defeat -- they should not be required to have legislative approval to sell a parcel of property or a building. I think that violates the integrity.

There is one other point I would like to raise, Madame

President, and that is I'm not so certain under the committee's language that the State Board of Education has the power to purchase; the section adopted previously speaks about land and buildings acquired for the Board of Education or for the State Board of Education, but it does not indicate power residing in the State Board of Education to purchase.

MS. HARRIS: Thank you. Delegate Long.

MR. LONG: There is a delicate balance here between the Legislature and the State Board of Education to determine the public interest in the use of public land. The function of the State Board of Education is education. However, it must make decisions about what the future school population is going to be, should it hold land in abeyance for a period because they foresee population changes which would warrant the use of that land in the future.

On the other hand, the State Legislature has the larger public interest in the use of public land. On balance, I think that the language of the committee puts the emphasis in the right position. The larger public interest lies with the Legislature. So it must then have approval power.

The more specific interest of the State Board of Education is seen to by the language of this section and I urge you to defeat the amendment and leave the language as it

sits.

MS. HARRIS: Is there anyone else who would like to speak for the amendment?

Delegate Hilda Mason.

MS. HILDA MASON: Thank you, Madame Chair and Vice President. I speak in favor of the amendment and I want to make several points. In response to some remarks made by Delegate Long, it was not the Board of Education who thought about selling or leasing or doing anything with the Hilton, it was the Executive Branch of the government that talked about that. The Board of Education has never proposed any such thing.

On the other hand, the University of the District of Columbia now has title authority given to it by the Congress of the United States and we are trying to do the same thing for the Board of Education, to give title authority to the Board.

As of today, the Committee on Government Operations of the Council of the District of Columbia acted favorably on a bill which would give the Board of Education leasing authority and that would go to the Council for two reasons so that the members on the committee of the Council favor the leasing authority. And I favor -- I introduced the bill which

would have provided also for the sale with advice and consent of the Council.

I favor the sale part of this and I hope that we vote favorably on this because this is comparable to a land grant or state-owned education systems, like land grant colleges do have title authority and sale authority. So I ask you to consider it favorably.

MS. HARRIS: The last speaker will be Delegate Nihikian.

MS. NIHIKIAN: Thank you. I have to rise to speak against the Mason amendment. And the reason why is because I think we have got -- I feel like in the proposed language we have confused two different things.

I very much support the notion that funds received from the sale, lease or rental of buildings within the control of the Board of Education should in fact go back to help with the budget of the Board of Education. And I think that's the issue that we are trying to get at. The problem we get into here is that if we could guarantee that we were going to have the same Board of Education that we have had in the past or today in the future, I would favor Section F. But it comes down to a point blank reality of numbers.

You have nine members of a proposed State Board of

Education. You have forty members of the Legislature. I don't want to think what could happen in the future if the wrong people got elected to the State Board of Education. Consequently, what I would offer as an amendment is that the State Board of Education shall control the sale, lease and rental of its buildings and lands with the advice and consent of the Legislature and shall receive all funds from such sale, lease or rental of the buildings, because I think that addresses the issue.

MS. HARRIS: Can we have a second for that? Can we have a second for that?

(No response.)

MS. HARRIS: It dies for a lack of second.

MR. ROBINSON: I move the question.

(Whereupon, the motion was seconded.)

MS. HARRIS: The previous question has been moved and seconded. All in favor of cutting off debate, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: It's on the Mason amendment. The Mason amendment is in 2F which is to delete on line 21 the

word "sale" and insert on line 22 after "lands" -- "but may sell such lands only".

All in favor of the Mason amendment, please raise your hands.

(Show of hands.)

MR. COOPER: Six.

MS. HARRIS: All opposed.

(Show of hands.)

MR. COOPER: Eighteen.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Three.

MS. HARRIS: The Mason amendment loses. Back to the original 2F. Delegate Feely.

MS. FEELY: Is it appropriate for me to move the previous question?

MS. HARRIS: Yes.

MS. FEELY: Delegate Coates wants to speak. I will move the previous question after Delegate Coates.

MS. HARRIS: Delegate Coates.

MR. COATES: I move to amend Section F by inserting after "control" the phrase "the sale," -- rather "the purchase," comma, and continue with "the sale, lease," et cetera.

MS. HARRIS: Delegate Coates, is your motion "shall control the purchase, sale"?

MR. COATES: "Shall control the purchase, sale, lease and rental of its buildings".

MS. HARRIS: Is there a second for the motion?

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and seconded --

MR. COATES: Could you let me finish? I know you want to keep us moving. And to strike "with the advice and consent of the Legislature".

MS. HARRIS: It has not been seconded yet.

(Whereupon, the motion was seconded.)

MS. HARRIS: So the Coates' amendment is at line 21, after the word "the" put "purchase"?

MR. COATES: That's correct.

MS. HARRIS: Discussion on the motion.

Delegate Simmons.

MS. SIMMONS: I would like to support the amendment. And the reason I rise to support it is so that I can speak against a lot of the fallacious discussion that I heard that the constitution will by this action breed contempt because eight Board members can -- they don't know what they are doing, they are not in the Legislature and they will make mistakes.

Well, I submit to you that education, when it was limited to reading, writing and arithmetic didn't have teachers who taught subject areas that became a part of the curriculum. When that new subject area became part of the curriculum, they then hired people with those specialties and those expertise.

And if indeed the Board is going to have that responsibility for leasing and renting and selling of its property, there is no question in my mind that they would have the good sense to hire someone who has those skills and abilities just, like every corporation that makes bottle caps hires a lawyer -- not to make the bottle cap but protect their interest if sued and if engaged in any kind of litigation.

And I really resent the implication, and I want my delegates to hear this -- some unique order and stupidity that is owned exclusively by the Board of Education. So to have people suggesting that because the Board is in the business of education and therefore would not have appropriate staff to give it guidance, I think this is just a little --

MS. HARRIS: Thank you, Delegate Simmons.

Is there anyone who would like to speak against the motion? Anybody who wants to speak against?

May I entertain a motion to move the previous question?

VOICE: I move the previous question.

MS. HARRIS: The previous question has been called.
All in favor of cutting off debate, let it be known by saying
aye.

(A chorus of "ayes".)

MR. KAMENY: What is the motion please before we --

MS. HARRIS: I'm cutting off debate.

MR. KAMENY: Well, we want to know what the motion
is now; we are not clear.

MS. HARRIS: If you let me finish, I will do that.

All in favor of cutting off debate, let it be known
by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: The motion before us is the Coates'
motion which on line 21, after the word "the", after "the"
before "sale" insert the word "purchase" --"control the purchase,
sale,".

All in favor of the Coates' amendment, please let
it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: Carried.

Delegate Lockridge.

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2F, as amended.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded that we move 2F with amendments. All in favor, let it be know by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: Carried.

MS. HILDA MASON: Point of procedure. After an item has been amended, there should be discussion on the item as amended before it is voted upon. We did not discuss it after it was amended.

MS. HARRIS: I asked the delegates --

MS. HILDA MASON: I had my hand up.

MS. HARRIS: I asked the delegates -- and then I asked Delegate Lockridge to move it. 2G please, Ms. Lockridge.

MS. SIMMONS: May I ask a point of personal privilege? I regret that I must leave but I am going over to the Board of Education regular business meeting to vote consistent to what

action this body has taken here tonight. I'm not about to sell any schools tonight.

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2G.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been properly moved and seconded that we adopt 2G. Is there any discussion on 2G?

Delegate Robinson and Delegate Jordan.

MR. ROBINSON: Madame Chair, I stand to move that Section G be eliminated from this article. Madame Chair, may I please speak?

MS. HARRIS: May I have a second on that before you speak?

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been properly moved and seconded that we delete Section 2G. Please speak.

MR. ROBINSON: Madame Chair, it is the inherent responsibility of the State Board of Education to promote education in the community. By its very nature it is about the promotion of education in the community. And I say that it is ridiculous that we would include in our constitution a section or article instructing the Board to do what is its inherent duty. And I ask all of you to vote against the

inclusion of Section G in this article.

MS. HARRIS: Is there anyone else who would like to speak for or against the amendment removing Section G?

I'm sorry, Jordan was next. Delegate Jordan, do you want to speak on this?

MR. JORDAN: No, I have an amendment.

MS. HARRIS: Delegate Eichhorn.

MS. EICHHORN: I would like to say it may not belong in the constitution but in view of all the principles we have placed in the state constitution, I urge --

MS. HARRIS: Are you supporting that?

MS. EICHHORN: I am opposed to the motion.

MS. HARRIS: Okay, Delegate Cooper.

MR. COOPER: I would like to speak in support of the Robinson amendment. I just don't think these two short lines are really necessary in this constitution. I don't think they buy us anything and I think that if we do have a responsible State Board of Education, they will do these things anyway. They don't need to be told to do it.

MS. HARRIS: Delegate Graham.

MS. GRAHAM: Madame President, in looking at this, it seems to me it's here to indicate something for which the State Board of Education should be about. And when members of

the State Board of Education or somebody who plans to be on the State Board of Education sees this, then they know that they will have to participate with community activities in our schools. And I speak against the motion to delete.

MS. HARRIS: We have two for and two against. I would like to move right along. May I entertain a motion to call the question?

Delegate Jordan.

MR. JORDAN: Madame Chair, I would like to offer a substitute motion to that one that is on the floor. You have the text of my substitute motion?

Section G would be "The State Board of Education shall promote to the maximum possible extent parental or administrative community/teacher and student involvement in local schools."

(Whereupon, the motion was seconded.)

MR. JORDAN: At some later point, Madame Chair, I would like to speak in defense of this.

MS. HARRIS: Okay. It has been moved and properly seconded, a substitute motion by Delegate Jordan and it reads: "The State Board of Education shall promote -- shall provide to the maximum possible extent parental administration community teacher and student involvement in local schools."

Delegate Kameny.

MR. KAMENY: I would like to ask a question of the maker and with respect to a change of language, I don't see any difference in what you are saying from what the committee's language says. Perhaps I am missing your point. Can you tell me what it is you are going to get? I see nothing.

MR. JORDAN: In response to his question, I think there are two significant points. One, is we expand upon the adults elements in the community or elements that exist or entities that must be involved in this; two, we say that they must be involved to the maximum extent; and three, we delete the section that says "as it may deem appropriate", so it's not a discretionary provision for the State Board of Education, but the State Board of Education is mandated through this process to do it. It's not something that they may choose to do or may not to choose to do. Here it becomes very specific.

MS. HARRIS: Is there anybody who would like to speak on -- Delegate Robinson.

MR. ROBINSON: Thank you, Madame Chair. I will not belabor the point. I only rise to say that it is again beyond me that the illustrious delegate from Ward 8 will offer a substitute motion that only in fact adds specifically those persons who are to be involved as he sees it in promoting

community education. And I say again that this has no place in the constitution, but that the Board will be about promoting community involvement in education and I ask you please, for the sake of a simplified constitution that simply outlines the structure of government, to vote this down and subsequently vote out Section G.

MS. HARRIS: Delegate Brian Moore.

MR. BRIAN MOORE: I would like to oppose the amendment on the floor for the reasons mentioned by Delegate Robinson and also by our counsel, Mr. Thomas. It just seems to be too specific and legislative and not germane to the constitutional writing. So I would urge my fellow delegates to eliminate it from the constitution.

MS. HARRIS: Delegate Love, are you speaking for the committee?

MS. FEELY: I will speak for the committee.

Delegates, if you will look on page 9 of the committee's report under Section 2G, you will see an explanation of why the committee felt it necessary to include the language that you find in Section G. Notice that it is only one sentence. We did have a paragraph before.

We simply wanted to make certain that where members of the community feel very, very strongly about their community

schools, that the State Board would not overlook those schools as they currently operate and make certain that whatever those schools want to do in the future, they will be able to do that. On page 9, Section 2G it states that.

MR. ROBINSON: I move the previous question.

MS. HARRIS: The previous question has been moved.

MS. LOCKRIDGE: Madame Chair, I would like to request that members from the committee --

MS. HARRIS: Delegate Lockridge, it would certainly help us move along if everybody on the committee did not speak. That's why I asked --

MS. LOCKRIDGE: I'm not asking everybody, Madame Chair. I saw Mr. Love's hand up way before the previous question was called for.

MS. HARRIS: We will entertain one more from the committee. Delegate Love.

MR. LOVE: Fellow delegates, I would like to speak in favor of Mr. Jordan's amendment. As a Ward 1 delegate, I would like him to know at least this Ward 1 delegate supports the Ward 8 proposal and opposes the Ward 5 proposal.

I come from an area -- I live in Adams Morgan and we have two community controlled schools. The language that is here was a compromise because I could not force the committee

into stronger language. I think this is an extremely important principle and I think that Mr. Jordan's language is very good. I think that the argument that the people don't want something in the constitution because they don't like it -- we keep hearing this all the time that we should put in the constitution what you feel we should have in the constitution. And I think this is something that we should have in the constitution.

Thank you.

MS. HARRIS: We have entertained two for and two against. And I recognize Delegate Robinson's call for the question.

MR. ROBINSON: Madame Chair, I move the previous question.

(Whereupon, the motion was seconded.)

MS. HARRIS: The previous question has been moved and seconded.

MR. JORDAN: Madame Chair, I reserved the right to speak last on it. Madame Chair, I responded to a question that was directed to me. I only answered the question. When I stood up, I told you then I wanted to speak last, and you acknowledged.

MS. HARRIS: Please speak.

MR. JORDAN: Thank you. My fellow delegate from Ward

5 that called me illustrious and I would like to thank him for saying that, as I am reminded you don't light a lamp and put it under the basket. And so I am going to let the light of truth shine this evening on this article.

A couple of things I was attempting to do: One is that I've been a strong advocate for community controlled schools. I didn't see this here and I didn't think it went far enough. I thought that it was rather weak.

A second thing is we have provided all kinds of requirements or assurances or protections, however you want to define them, on the Legislature. We have said anything the legislature does must come back and be -- I mean must stand 90 days while the citizens have a right to initiate a referendum to approve it or disapprove it. I mean we go through them anyway in order to provide checks and balances on this elected body of 40 individuals. We do the same thing with respect to the Executive.

But here we make no similar demands upon the Board of Education -- State Board of Education. So I think it's reasonable -- no, somebody said don't use "reasonable this evening -- so all I am suggesting is this is one way of ensuring -- at least I hope it is -- that there will be some citizen participation in the process involving local schools. And it is

not offered as a criticism of the committee's work but it is offered in the spirit of -- is the committee listening to me -- I'm saying it's not offered as a criticism of the committee's work but it is offered as a way of assisting, at least as I see it, to help to do a good job. Thank you very much.

MS. HARRIS: Thank you, Delegate Jordan.

All those in favor of cutting off debate, please let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: Those opposed.

(No response.)

MS. HARRIS: The motion before us is the Jordan amendment which reads -- Jordan substitute which reads: "The State Board of Education shall provide to the maximum possible extent parental administrative community teacher and student involvement in local schools".

All in favor of the Jordan substitute, please raise your hand.

(Show of hands.)

MR. COOPER: Thirteen.

MS. HARRIS: Those opposed.

(Show of hands.)

MR. COOPER: Ten.

MS. HARRIS: Abstentions.

(Show of hands.)

MR. COOPER: Two.

MS. HARRIS: The substitute carries 13,10,2.

Madame Chair.

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2G as amended.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded that 2G with the amendments be adopted. All in favor, let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(A chorus of "nays".)

MS. HARRIS: Carried.

We have three other sections for 2 to go. Why don't we recess for five minutes?

(Whereupon, a short recess was taken.)

MS. HARRIS: The meeting is again called to order. Will you please take your seats? Delegate Lockridge.

MS. LOCKRIDGE: Madame Chair, I would like to move Section 2H for adoption.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been moved and properly seconded that we adopt 2H.

MS. LOCKRIDGE: Madame Chair, I have no amendments for H.

MS. HARRIS: We have no amendments for H here either, Madame Chair. Delegate Feely.

MS. FEELY: I move the previous question.

(Whereupon, the motion was seconded.)

MS. HARRIS: The previous question has been called.

MR. SCHRAG: Point of order. There is no quorum here. There is none at the moment. The rules require a quorum for every vote.

I withdraw my question.

MS. HARRIS: All in favor of cutting off debate on 2H.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: All those in favor of 2H, please let it be known by saying aye.

(A chorus of "ayes".)

MS. HARRIS: All opposed.

(No response.)

MS. HARRIS: 2H is adopted.

MS. LOCKRIDGE: Madame Chair, I move the adoption of Section 2I.

(Whereupon, the motion was seconded.)

MS. HARRIS: It has been properly moved and seconded that we adopt 2I. Madame Chair, there are two amendments, I think. Delegate Schrag, do you have an amendment to 2I?

MR. SCHRAG: Yes, Madame Chair.

Fellow delegates, in a sense I think we don't need Section 2I because -- I'm not going to move to delete it, but in a sense I don't think we need it because we have already taken care of the matter earlier this evening when we amended Section 2A to take out the word "uniform". Remember, Section 2A used to read that "education to uniform standards shall be compulsory for all residents" and we changed that to "education to standards established by the State Board of Education shall be compulsory" because we accepted the principle of educational diversity.

Now this section flies in the face of what we did before. This section says "All private elementary and secondary schools shall be required to meet the same standards for instructors, instruction and student achievement as may be imposed by the State Board of Education upon the public schools."

In other words, it requires that the private schools and the parochial schools will look just like the public schools. I don't think this is the intention of the committee, but I think this is the effect of the words.

And I'm going to offer a substitute to clarify what I think is the committee's intention that this only be minimum standards be established for all these schools and that beyond those minimum standards, we don't have to have identity.

Now before I give you the words of this amendment, I would like to read what our general counsel has said about the words of this section. Again no one is quarreling with the committee's intention, as I understand it, just with the way they have worded it.

The counsel has said: "This section raises a number of civil liberties' questions. The committee's stated purposes to assure that students are attending private schools receive the compulsory education mandated. Perhaps the Legislature might deal with this concern by providing for certain uniform examinations to set certain basic skills. However, what about the rights of a parent to make choices regarding his or her child's education? It would require in quote 'the same standards for instructors', closed quote, meaning for example for teachers in a Moslem or Montessori school or an experimental school would

have to take the same required education courses, meet the same student teaching requirements, et cetera as are now required of public school teachers. What about the role that certain experimental private schools have played in making a contribution to the direction of public school systems, where change is often effected more slowly due to regulations and bureaucracy?

Again the words of this section as written I think would bring down a tremendous degree of opposition to our constitution from the private schools and the parochial schools throughout the District of Columbia and I don't think this is what the committee wants or intended. So my substitute is as follows -- and I have sent it to the desk -- "The State may establish minimum standards, including equivalent alternatives, for curriculum, instructors, instruction and student achievement to be met by all elementary and secondary schools in the state."

I can write it on the Board to make it clear.

MS. HARRIS: Is there a second for that motion?

(Whereupon, the motion was seconded.)

MS. HARRIS: The motion has been moved and properly seconded and it states -- I can read it: "The State may establish minimum standards, including equivalent alternatives, for curriculum, instructors, instruction and student achievement to be met by all elementary and secondary schools in the state."

MS. HARRIS: Let Delegate Kameny speak to it while he is writing.

MR. KAMENY: Fellow delegates, I rise in the strongest objection and opposition to this motion. The purpose of the motion is basically to see to it that all schools in the state, including private schools -- the purpose of the section rather is to meet the basic standards set in this constitution of the establishment of a uniform and system of high quality education.

Now if you have private schools which are not required to meet the same standards that the public schools do you will get -- and they are cropping up by the thousands all over the country -- little fly-by-night schools, intended to make money for their owners, which will have no standards at all, which will keep students there at the profit of the owner from the age of 6 to the age 18 and will teach them nothing with instructors who are incapable of teaching, and will provide no means for testing of those students and they won't be able to do anything.

Do we want to turn out students who don't know that 2 plus 2 equals 4? Delegate Schrag says "minimum standards, including equivalent alternatives". There is no equivalent alternative for two plus two equals four.

The purpose of this and Section J, to a certain extent they go together, is to ensure that schools do not, through a variety of reasons -- and we will come to other areas that are important here in J -- evade the basic intent of this committee and the constitution when our article is adopted to ensure that our state will turn out continuingly from public schools and private schools those well-educated young people who are capable of moving ahead in the world and not a bunch of dopes. Educational diversity does not mean educational shoddiness and that is what this would allow, in particular, its phrase about equivalent alternatives.

I urge you to vote this down and to stand with the committee's language. Thank you.

MS. HARRIS: Thank you, Delegate Kameny. Delegate Jackson.

MR. JACKSON: Yes, ma'am. I, along with Delegate Kameny, strongly oppose this. You know, let me give you some dangers. If people remember the days of segregation in the south, what happened to those poor white kids? They were given separate -- they went to these separate private schools and therefore it hurt especially the whites. So I'm surprised that Mr. Schrag would put something like this.

Number one, young white kids didn't learn anything.

Now, Madame Chair, it also hurts blacks. You know, people come up with this black English, black math and these concepts which in many cases have deprived young black kids of uniform ways of learning. It hurts both black and both white.

Now the reasons why this cannot be the protection of someone because -- a Moslem youth or something like that -- they also want to learn math and certain standards, but those standards should be set according to the state public institution and not to those schools themselves. It hurts both black and white, both rich and poor. And for that reason I strongly urge the rejection of this. It is not a civil liberty issue here.

MS. HARRIS: Delegate Lockridge.

MS. LOCKRIDGE: Fellow delegates, I strongly urge you to vote against the Schrag amendment and to vote for the language presented to you in Section I. It has been the experience of those in the public school system of this city to be the recipients of students who have attended private schools.

Some of us sitting here, when we were a little affluent, were able to send our children to private schools but when the ran out, we had to send them back to public schools. And I think since that is so prevalent in this city, that the

curriculum and the standards should be the same for both, so that our children, regardless of which they have to go to or are able to go to, public or private, will be afforded the same opportunity and the same curriculum.

MS. HARRIS: Thank you, Delegate Lockridge.

Is there anyone who would like to speak for the amendment?

MS. HILDA MASON: Madame Chair, you don't have to separate it out that way.

MS. HARRIS: Yes, but I want to do that, Delegate Mason, because I don't need ten people speaking against, saying the same thing. We could just move; we have a lot to do this evening.

MS. HILDA MASON: Okay. Then I will speak for it then.

MS. HARRIS: Okay, you may speak.

MS. HILDA MASON: I rise to say that I support the amendment. I came from a part of the country where blacks had to go to private schools in order to get a high school education. So to use the idea about private schools does not impress me very much because I had to go when I was eleven years old and I had to go away to private school.

I'm not a mathematician but I know that there are alternatives to two plus two equals four, because I know that

four plus zero equals four and I know that three plus one equals four and I know that five minus one equals four and I could go on.

I would like also to say that I have worked in this school system nineteen years before I went to the Board of Education and that one of the most beautiful principals who was in the school system whose name is Lillian Glasgow who allowed me to do exactly that. I could use the minimum standard but I could use all kinds of alternatives. And I have a study on file at the University of the District of Columbia showing how some of my students' IQ jumped 30 points -- 30 points in one year, and that is because they were not limited to a standard that was set by somebody. I agree with a minimum standard.

Now I remember also -- we have to be very careful because I remember also when I taught -- when I was a principal of a school that there were teachers who were saying to a student, "You cannot read this book because you are in the third grade and that is a fifth grade book." Now we have to be careful because we don't know how people interpret what we write. We have to be very careful.

There is nothing wrong with -- that's what he means by minimum standard. Then you can include all kinds of

alternatives and I was one of the administrators both at Morgan, Margaret Marie Reed (Phonetic) Schools and we had community control and also at the Audie (Phonetic) School; I was assistant principal when we had community control and we did individualized instruction and all kinds of things, new kinds of things, with all kinds of math and science equipment that people later threw into the trash can because they didn't know what to do with it.

I'm very disturbed if we are going to limit education to a uniform standard. I want a minimum standard for everybody. They have to at least reach this level, but they should be able to go as high as you can go and that's what that means.

Excuse me, I did not interrupt you -- equivalent alternatives for curriculum. At Morgan School we brought in scientists and hired them to teach students instead of having regular elementary schoolteachers. We brought in people who had science degrees, who had degrees in political science, who had degrees in mathematics and we put them in the classroom and they taught, and that's what that means.

I hope that we won't become so rigid in our thinking that we can't look at another idea. And I'm begging you -- this is very serious to me -- I've given a lot of my life to education, and it's very serious to me that we free up schools

to expand as much as they can. I'm urging you to be very careful as you consider this amendment. And I am in favor of the amendment.

MS. HARRIS: Is there anybody else who would like to speak in favor of -- only in favor of?

Okay, I saw Delegate Barnes' hand first.

MR. BARNES: Is it in order to make an amendment to the motion?

MS. HARRIS: Yes.

MR. BARNES: Because I think this measure may pass, I would like to change the word "may" to "shall", because this has no weight. I mean may establish or may not. So I would like to move the word "shall" instead of "may" in the first line.

(Whereupon, the motion was seconded.)

MS. HARRIS: The motion by Delegate Barnes is to delete the word "may" and in its place insert "shall".

Discussion. Delegate Nihikian.

MR. NIHIKIAN: I would like to move the substitute for the whole section and to delete the entire section. I don't think any of it is necessary.

MS. HARRIS: Your substitute is to delete the substitute?

MS. NIIKIAN: To delete the whole section.

MR. SCHRAG: To delete Section I.

(Whereupon, the motion was seconded.)

MS. HARRIS: Section I is not on the floor. What is on the floor is a substitute by Delegate Schrag for Section I.

MR. SCHRAG: Point of order. She is moving that as a substitute to my amendment, and that is in order.

MS. HARRIS: The substitute has been moved and properly seconded that we delete Section I.

Let me make a statement before I recognize Delegate Kameny, Robinson, and Nihikian. Now we have heard about eight people and I think that we are talking about the same thing, okay.

So after we hear Delegate Kameny, Robinson and Nihikian, I would like to vote on this and move on. Delegate Kameny.

MR. KAMENY: Yes. I would like to address with very grave concern Delegate Nihikian's motion. These two sections -- and I repeat they do go together -- were intended to address something that is going on in this entire country. I don't know if Delegate Nihikian is aware of it.

There is an intensive attack going on in the country

on the whole concept of private education, -- of public education. The number of private schools, particularly but not only so-called Christian academies and the like, are springing up all over the country. The numbers are going up not merely in some percents but in the hundreds of percent. These schools claim that particularly by invoking the word "religion", they are exempting themselves from any sort, type, kind or variety, whatever, of control or examination at all by the state, that they can do what they want educationally or anything else in any way at all.

And there have already been voices raised. If you will listen carefully during the debate last fall on the tuition tax credit, there are moves to bring schools of that kind into this state and, when you get them here, if they are not restricted in this way to be compelled by law, by constitution, to accede to minimal standards and to legal standards of a variety of kinds, you will see the destruction of meaningful education; you will be turning out hoards of young people who in large numbers of instances will have sub-standard educations, if any meaningful education at all. It is happening elsewhere. Legislatures in many instances feel that their state constitution do not give them the power to move in as they wish to.

And we are writing a constitution in 1982. This might

not have been in order ten or fifteen years ago. We are writing a constitution for the now as we perceive it for the future. And these two sections are absolutely necessary if we want to achieve the standards enunciated and adopted earlier by this body ensuring a high quality education for all people -- all people, in the District of Columbia at primary and secondary school age.

And Delegate Nihikian's motion to delete Section I, and in a more subtle way, Delegate Schrag's motion would in fact accomplish that unfortunate end.

MS. HARRIS: Thank you, Delegate Kameny.

Delegate Robinson.

MR. ROBINSON: I stand to applaud Delegate Nihikian in moving to abolish -- that's the best term I can think of -- this entire section. And I am very concerned that we are still about legislation and I wonder what will this illustrious board do -- this Board of Education do when we set in this constitution and we are writing legislation literally telling them what to do?

So I ask you again to vote please for the abolition of this particular section.

MS. HARRIS: Delegate Nihikian.

MS. NIHIKIAN: I am all too aware of the number of

concerns that many of us in the District of Columbia share about the infringement and the mis-information that certain private interest groups have somewhat effectively put out to people in our country which has resulted in things like Ronald Reagan being elected to the White House.

I understand also that this country -- and hopefully our state constitution -- is based on some very basic issues of personal rights. At the same time we should be concerned about what is taught in Christian academies, I think there are a number of other positive alternatives in private schools that some people believe in quite strongly.

The problem that I think that we face by trying to write in this section into the constitution is that we will be treading on some civil liberties of not just people we may not agree with philosophically, but in fact may be treading on the civil liberties of some people we all do agree with philosophically.

And I think for that reason we should understand very clearly that the issue that Mr. Kameny makes is not directed at quality of education. It's directed at institutions that we may or may not agree with providing education. The reality is that the state will have very concrete ways to regulate and ensure that students in private schools do get a basic education.

The question becomes: Do we address it by basically throwing the bath water out with the baby by saying very simply that they must meet all the same standards. I think I'm not even going to invoke the debate that we could have about how Congress would react, because I've been one of those folks who believes that we have to write a constitution for us. But the way to deal with political movements that we do not like is not by trying to use the same tactics that they would use against us.

The point I'm making is the way to fight repression is not with more repressive activity, which I believe Section I represents.

MS. HARRIS: Thank you. One more against. Delegate Cooper.

MR. COOPER: I pass.

MS. HARRIS: Delegate Love.

MR. LOVE: Fellow delegates, you are being led to believe that our proposals are going to affect the effective and well-run private schools in the city. They are not aimed at the well-run private schools in the city. They are aimed at the fly-by-night schools that come in. The well-to-do people will send their kids to good schools and those skills will give them an education. It's the parents who are going

to be convinced that the little corner school from the church around the corner somehow offers their children an adequate education that we are trying to protect here.

We are not trying to infringe on the right of people to send their children to the cathedral school or to St. Alban's or someplace like that. We are worried about the other kind of children, the children who may get sucked in to going to a school that teaches creationism as the only alternative. And when you vote for the Nihikian amendment, what you are saying is that it's these children that we are trying to protect, that you remove the protections from in this constitution.

So I urge you to think carefully. Again, we are talking about not the well-to-do, not the fancy schools, we are talking about the other kinds of schools and we are talking about the other kind of children. And we feel that those children need the protection.

Thank you.

MS. HARRIS: May I entertain a call for the question?

Point of order, Delegate Talmadge Moore.

MR. TALMADGE MOORE: I would like for the committee to explain to me about student achievement and I was wondering what --

MS. HARRIS: That's not a point of order.